

Remarks

Claims 44-58 remain pending in the application and currently stand rejected. Claims 1-43 were previously canceled. No claims are amended herein. The Assignee respectfully traverses the rejections and requests allowance of claims 44-58.

Claim Rejection Under 35 U.S.C. § 103

Claims 44-58 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U. S. Patent No. 5,790,878 to Anderson et al. (hereinafter "Anderson") in view of U.S. Patent No. 6,687,839 to Tate et al. (hereinafter "Tate"). The Assignee respectfully traverses the rejection in light of the discussion set forth below.

Claim 44 provides a method for managing power in a battery-operated device, including, in part, "*allowing the device to operate until a battery failure occurs, the battery failure comprising a condition in which the battery's charge drops below a level required to operate the device....*" (Emphasis supplied.) Device claims 49 and 56 provide similar limitations. The Assignee respectfully contends that these provisions are not taught or suggested by Anderson or Tate.

In support of the rejection, the final Office action indicates that "Anderson teaches on Column 6, [Lines] 40-64 allowing the device to operate until a battery failure occurs, the battery failure comprising a condition in which the battery's charge drops below a level required to operate the device. Anderson teaches on Column 6, Lines 44-48 that the predetermined threshold voltage level is set to a level *incrementally higher than* the minimum operating voltage to permit shutdown of the camera. Because the camera of Anderson ceases to work after the threshold voltage is reached, *the examiner views the threshold voltage discussed in Anderson to be the voltage level required to operate the device.*" (Page 2 of the final Office action; emphasis supplied.)

The Assignee respectfully disagrees with this characterization of Anderson. Anderson teaches instead that the camera is *intentionally* shut down by entering a "powerfail powerdown sequence" once the voltage of the main batteries falls below a predetermined threshold value. (Column 6, lines 52-64.) This threshold value, which is "incrementally higher than the minimum operating voltage," (column 6, lines 45-47), does not constitute battery failure, which in the

present application is a condition in which the battery's charge drops below a level required to operate the device, as noted in claims 44, 49 and 56. Indeed, Anderson makes this distinction when it states that the main batteries have failed "when their output voltage has *fallen below a minimum operational voltage level*." (Column 4, line 66, to column 5, line 1; emphasis supplied.) Anderson specifically distinguishes this minimum operating voltage from the higher threshold voltage used to proactively shut down the camera, as indicated above. Thus, the Anderson camera is *not* allowed to operate until battery failure occurs, but instead performs a "powerfail powerdown sequence" to cease operation of the camera *prior* to failure of the main batteries. Therefore, Anderson does not teach or suggest that particular provision of claims 44, 49, and 56, and such indication is respectfully requested.

Similarly, Tate, in its desire to extend battery life, also does not allow the battery's charge to drop below a level required to operate the device. In Tate, a battery module coupled with a regulator is utilized to provide power to a handheld computer. (Column 2, lines 11-16.) When the voltage of the battery drops below a designated level, the voltage from the battery module bypasses the regulator, thus becoming unregulated. (Column 2, lines 17-20; column 3, lines 53-60.) The unregulated voltage is then employed to preserve memory. (Column 2, lines 28 and 29.) In addition, once the battery voltage drops below the designated level, some components of the handheld computer may be switched to a mode that prohibits their drawing power from the battery module, thus further extending battery life. (Column 4, lines 54-67.) However, at no point in the Tate process does the battery drop below a level required to operate the device, as Tate intentionally shuts down portions of the handheld computer prior to the battery voltage dropping to that level, unlike the provisions of claims 44, 49 and 56.

Thus, based on the foregoing discussion, the Assignee contends that claims 44, 49 and 56 are allowable in view of any combination of Anderson and Tate, and such indication is respectfully requested.

In addition, claims 45-48 depend from independent claim 44, claims 50-55 depend from independent claim 49, and claims 57 and 58 depend from independent claim 56, thus incorporating the provisions of their associated independent claims. Hence, the Assignee contends that claims 45-48, 50-55, 57 and 58 are allowable for at least the reasons provided above with respect to claims 44, 49 and 56, and such indication is respectfully requested.

Therefore, based on the foregoing, the Assignee respectfully requests withdrawal of the

35 U.S.C. § 103 rejection of claims 44-58.

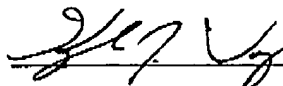
Conclusion

Based on the above remarks, the Assignee submits that claims 44-58 are allowable. Additional reasons in support of patentability exist, but such reasons are omitted in the interests of clarity and brevity. The Assignee thus respectfully requests allowance of claims 44-58.

The Assignee believes no fees are due with respect to this filing. However, should the Office determine additional fees are necessary, the Office is hereby authorized to charge Deposit Account No. 08-2025.

Respectfully submitted,

Date: 2/28/06



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